

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 99-2
Table of Allotments,	)	RM-9347
FM Broadcast Stations	)	
(Saltillo, Mississippi)	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 97-107
Table of Allotments,	)	RM-9023
(Potts Camp and Saltillo, Mississippi)	)	

To: Chief, Allocations Branch, Mass Media Bureau

**WITHDRAWAL BY BROADCASTERS & PUBLISHERS, INC.  
OF EXPRESSION OF INTEREST AND OPPOSITION TO  
APPLICATION FOR REVIEW**

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Broadcasters & Publishers, Inc. ("BPI"), licensee of Station WWKZ(FM), Aberdeen, Mississippi, by its attorneys, hereby withdraws (a) its expression of interest for Channel 275C3 at Saltillo, Mississippi in MM Docket No. 99-2, RM-9347, and (b) its Opposition to the Application for Review submitted by Olvie E. Sisk of the Mass Media Bureau's denial of a Petition for Rulemaking which sought to reallocate Channel 240C3 from Potts Camp, Mississippi, to Saltillo and to modify the license of Station WCNA(FM), Potts Camp, accordingly. In support thereof, the following is shown:

1. On August 12, 1998, BPI filed a Petition for Rulemaking requesting that the Commission amend Section 73.202(b) of the Commission's rules by allotting Channel 275C3 to Saltillo, Mississippi. BPI advised the Commission that if Channel 275C3 were allotted to

Saltillo, BPI would promptly apply for a construction permit and place the facility in operation at the earliest possible time.

2. On December 30, 1998, the Chief of the Allocations Branch adopted a Notice of Proposed Rule Making in MM Docket No. 99-2, RM-9347 (DA 98-2655, released on January 15, 1999) proposing to allot Channel 275C3 to Saltillo. On January 25, 1999, BPI filed Comments in support of the proposed channel allotment and reiterated its commitment to apply for a construction permit and to build the facility promptly. On July 9, 1999, the Mass Media Bureau released a Report and Order (DA 99-1347) allotting Channel 275C3 to Saltillo.

3. Subsequent to the above-noted filing of Comments, on August 31, 1999, BPI entered into an agreement with Cumulus Broadcasting, Inc., Cumulus Licensing Corp. and Cumulus Wireless Services, Inc. for the sale of the assets of Station WWKZ(FM). On September 14, 1999, an application was filed with the Commission to assign the license of Station WWKZ(FM) from BPI to Cumulus Broadcasting, Inc.

4. In a related rulemaking proceeding, namely, MM Docket No. 97-107, RM-9023, on August 31, 1998, BPI filed an Opposition to an Application for Review submitted by Olvie E. Sisk ("Sisk"). Sisk asked the Commission to review and reverse a Report & Order, released on June 19, 1998 (DA-1083), in which the Chief of the Allocations Branch denied a Petition for Rulemaking filed by Sisk, licensee of Station WCNA(FM), Channel 240C3, Potts Camp, Mississippi, which sought to reallocate Channel 240C3 from Potts Camp to Saltillo and to modify the license of Station WCNA(FM) accordingly.

5. In light of changed circumstances, namely, the sale of the assets of Station WWKZ(FM), BPI withdraws (a) its earlier expression of interest with respect to the construction

of a new FM station on Channel 275C3 at Saltillo, (MM Docket No. 92-2, RM-9347) and (b) the above-noted Opposition to Application for Review in MM Docket No. 97-107, RM-9023. Since no party other than BPI filed an expression of interest in filing an application for Channel 275C3 at Saltillo, this allotment should be deleted.

6. The withdrawal of BPI's expression of interest and the withdrawal of its Opposition to Application for Review are in accordance with Section 1.420(j) of the Commission's Rules. The attached Declaration of G. Dean Pearce, President of BPI, states that neither BPI nor its principals either has received or will receive any monetary or other quantifiable consideration in connection with the withdrawal of BPI's expression of interest in Channel 275C3 at Saltillo and its Opposition to Application for Review.

In view of the foregoing, BPI respectfully requests that Section 73.202(b), be amended to delete the allotment of Channel 275C3 at Saltillo, Mississippi.

Respectfully submitted,

**BROADCASTERS & PUBLISHERS, INC.**

By   
Erwin G. Krasnow

Verner Liipfert Bernhard McPherson and Hand  
901 15<sup>th</sup> Street, N.W.  
Washington, DC 20005  
(202) 371-6062

Its Attorney

October 4, 1999

## **DECLARATION OF G. DEAN PEARCE**

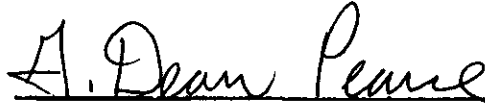
G. Dean Pearce, under penalty of perjury, hereby declare as follows:

1. I am President of Broadcasters & Publishers, Inc. ("BPI"), licensee of Station WWKZ(FM), Aberdeen, Mississippi.
2. On August 12, 1998, BPI filed a Petition for Rulemaking requesting that the Commission amend Section 73.202(b) of the Commission's rules by allotting Channel 275C3 to Saltillo, Mississippi. BPI advised the Commission that if Channel 275C3 were allotted to Saltillo, BPI would promptly apply for a construction permit and place the facility in operation at the earliest possible time.
3. On December 30, 1998, the Chief of the Allocations Branch adopted a Notice of Proposed Rule Making in MM Docket No. 99-2, RM-9347 (DA 98-2655, released on January 15, 1999) proposing to allot Channel 275C3 to Saltillo. On January 25, 1999, BPI filed Comments in support of the proposed channel allotment and reiterated its commitment to apply for a construction permit and to build the facility promptly. On July 9, 1999, the Mass Media Bureau released a Report and Order (DA 99-1347) allotting Channel 275C3 to Saltillo.
4. Subsequent to the above-noted filing of Comments, on August 31, 1999, BPI entered into an agreement with Cumulus Broadcasting, Inc., Cumulus Licensing Corp. and Cumulus Wireless Services, Inc. for the sale of the assets of Station WWKZ(FM). On September 14, 1999, an application was filed with the Commission to assign the license of Station WWKZ(FM) from BPI to Cumulus Broadcasting, Inc.
5. In a related rulemaking proceeding, namely, MM Docket No. 97-107, RM-9023, on August 31, 1998, BPI filed an Opposition to an Application for Review submitted by Olvie E. Sisk ("Sisk"). Sisk asked the Commission to review and reverse a Report & Order, released on June 19, 1998 (DA-1083), in which the Chief of the Allocations Branch denied a Petition for Rulemaking filed by Sisk, licensee of Station WCNA(FM), Channel 240C3, Potts Camp, Mississippi, which sought to reallocate Channel 240C3 from Potts Camp to Saltillo and to modify the license of Station WCNA(FM) accordingly.
6. In light of changed circumstances, namely, the sale of the assets of Station WWKZ(FM), BPI has decided to withdraw its earlier expression of interest with respect to the construction of a new station on Channel 275C3 at Saltillo, (MM Docket No. 92-2, RM-9347) and to withdraw the above-noted Opposition to Application for Review in MM Docket No. 97-107, RM-9023.

7. With respect to both actions, namely, the withdrawal of BPI's expression of interest for the Channel 275C3 Saltillo facility and the withdrawal of its Opposition to Application for Review, I hereby certify that neither BPI nor its principals has received or will receive any monetary or other quantifiable consideration.

The foregoing statements are true and correct to the best of my knowledge and belief.

Dated this 24<sup>th</sup> day of September, 1999.

A handwritten signature in cursive script, reading "G. Dean Pearce", written over a horizontal line.

G. Dean Pearce

President

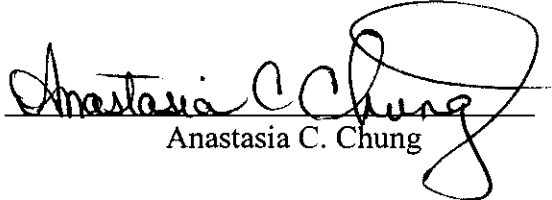
Broadcasters & Publishers, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that I, Anastasia C. Chung, have filed the foregoing WITHDRAWAL BY BROADCASTERS & PUBLISHERS, INC. OF EXPRESSION OF INTEREST AND OPPOSITION TO APPLICATION FOR REVIEW with the Federal Communications Commission on this 4<sup>th</sup> day of October, 1999, and that a copy has been served by way of U.S. mail, postage pre-paid, upon:

Frank Jazzo, Esq.  
Fletcher Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Rosslyn, VA 22209-3801

*Counsel for Olvie E. Sisk*

  
Anastasia C. Chung